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THE OTHER SIDE

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REMEMBER PINE RIDGE!

The FBI's Secret War Against the American Indian Movement

MURPHY DAVIS A Gospel for the Gullible
TWISTS OF TRUTH Challenging Our Popular Heresies

THE OTHER SIDE

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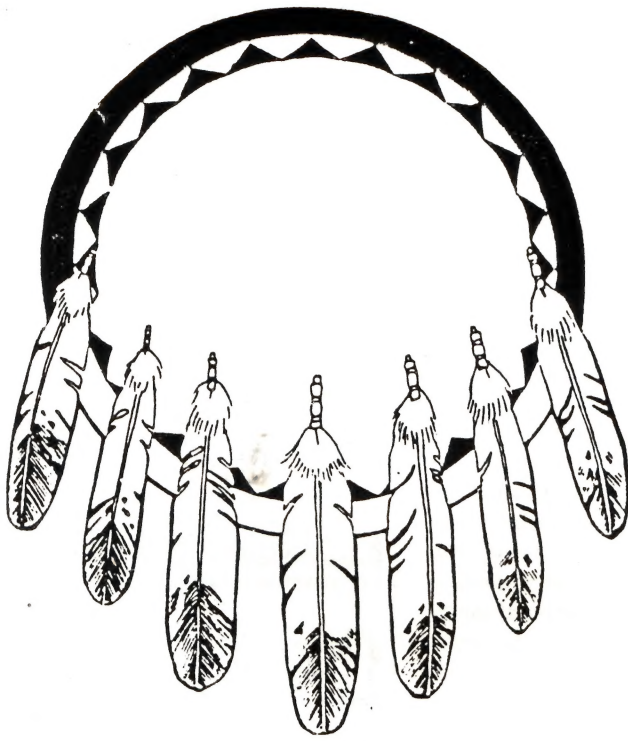
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Photograph by
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The FBI Takes AIM

THE FBI'S SECRET WAR AGAINST THE AMERICAN INDIAN MOVEMENT

Ward Churchill and Jim Vander Wall

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"This is the verdict: light has come into the world; but people preferred darkness to light, because their deeds were evil. Those who do evil hate the light and will not come near the light, for fear that their deeds will be exposed" (John 3:19-20).

For more than ten years, the Federal Bureau of Investigation has systematically covered up and hidden from the American people its outrageous behavior in and around the Pine Ridge Sioux Indian Reservation. For more than ten years, it has sought the cover of darkness for its illegal and immoral persecution of the American Indian Movement, including a host of actions antithetical to the very ideal of government which the FBI swears to uphold.

This article, longer and more detailed than those normally published in *The Other Side*, is an attempt to shine some light where there has been only darkness. Simultaneously, it is a plea for Christians and all those who love the light to join us in calling for a new congressional investigation into FBI abuses on the Pine Ridge Reservation from 1972 through 1976. These abuses are nothing new in the history of U.S. treatment of native people. But they are abuses nevertheless, abuses incompatible with democratic values, abuses more likely to be repeated if they have never been properly brought to light.

We may rightly complain about atrocities committed by the South African government against blacks in the impoverished "homelands" to which they have been assigned. But if Jesus' teachings have any meaning, we ought not call

attention to the splinter in another nation's eye without likewise examining the beam in our own.

And a beam it is, for that which the FBI encouraged and undertook in South Dakota in the mid-seventies was truly appalling. Law after law was ignored in an effort to destroy the new and growing American Indian Movement. An indigeneous movement of native people, AIM, through its militant defense of Indian rights and its vigorous advocacy of the notion of sovereign Indian nations, was threatening to destroy this nation's comfortable status quo. Centuries of explicit and implicit exploitation were being challenged.

The toll in the FBI's "secret war" against the Indian people was astounding. More than two hundred AIM members and supporters were assaulted on or near the Pine Ridge reservation from 1972 through 1976. Close to seventy died as a result of actions taken against them. That gives Pine Ridge a violent death rate, *based only on documented political deaths*, of 170 per 100,000. (By comparison, in 1974, Detroit, then considered the "murder capitol of the United States," demonstrated a violent death rate, *for all causes*, of only 20.2 per 100,000.)

In fact, the political murder rate on Pine Ridge from March 1, 1973, to March 1, 1976, is almost equivalent to that which prevailed in Chile during the three years following the U.S.-supported coup led by Augusto Pinochet.

These politically motivated murders, almost exclusively directed against AIM, occurred at a time when the FBI was deeply obsessed with suppressing any and all political organizing on

the part of American Indians. "They [the Indians] are a conquered nation," explained Norman Zigrossi, special agent in charge of the FBI's Rapid City, South Dakota, office. "And when you are conquered, the people you are conquered by dictate your future. This is a basic philosophy of mine. If I'm part of a conquered nation, I've got to yield to authority. . . . [The FBI must function as] a colonial police force."

From mid-1972 to mid-1973, the number of personnel assigned to the FBI's Rapid City office nearly quadrupled, from three to eleven. The work of these agents focused primarily on Pine Ridge. During 1973, this greatly expanded "colonial police force" was again almost doubled with the addition of a ten-member Special Weapons and Tactics (SWAT) team, assigned to the tiny village of Pine Ridge, on the reservation itself. Even this wasn't enough to meet FBI objectives. Late in 1975, the FBI again tripled its staff of agents, giving western South Dakota the highest ratio of agents to citizens anywhere in the United States.

As a result of the Seven Major Crimes Act, homicides and armed assaults on reservations are matters over which the FBI has legal jurisdiction. But despite the inordinate number of people it had at its disposal throughout this period, *none* of the murders of AIM people has been solved by the FBI—not one. As the reason for its spectacular lack of success, the FBI has pleaded "lack of manpower."

Presumably this same "lack of manpower" prevented the bureau from properly investigating funds assigned to a "Highway Safety Program" and a "Tribal Rangers Program," both misappropriated by then Pine Ridge tribal president Richard "Dickie" Wilson. These funds—as the federal government was aware—were being used to arm, equip, and pay a private army known as the Guardians of the Oglala Nation (GOONs).

Wilson, first voted into office in 1972, won a second tribal presidency in 1974. That election, occurring at the height of the FBI presence on the reservation, was later characterized by the U.S. Civil Rights Commission as "permeated with fraud." By 1974, Wilson's GOONs, expressly anti-AIM in purpose, were armed with U.S. military-type M-16 rifles. Equipped with high-quality, military-style communications gear, they were also regularly supplied with government-issue ball ammunition.

How Wilson's private army came to be armed with U.S. military weapons remains unclear. But his GOONs were arguably the primary force responsible for the assaults on hundreds of AIM people on and near Pine Ridge during the period in question. They are known to have worked closely with both the FBI and Bureau of Indian Affairs (BIA) police at this time.

During 1973 alone, while the FBI was claiming insufficient resources to investigate polit-

ically motivated murders, it simultaneously amassed three hundred and sixteen thousand file classifications in its detailed investigation of the political and personal activities of AIM members and sympathizers. While dozens of murders of AIM members and sympathizers were being ignored, the FBI made 562 arrests of AIM people in conjunction with its ongoing investigation of the organization. Of these, only fifteen resulted in convictions of any sort, usually for petty offenses.

"The purpose of all this," explained an AIM attorney in 1974, "is not to obtain convictions or punish people the bureau believes guilty of criminal acts in the strict sense. Rather, it is to neutralize an organization whose politics the FBI objects to by tying the organization up in an unending series of trials and pretrial incarcerations, bankrupting the organization by forcing it to meet massive amounts of bail."

This is precisely the method the FBI used during the COINTELPRO era. As a senior FBI agent said after the assassination of Black Panther leaders Mark Clark and Fred Hampton, "You don't measure success in this area in terms of apprehension but in terms of neutralization."

COINTELPRO is FBI slang for

The federal presence on Pine Ridge was consistently marked by Vietnam-type equipment—in this case, an armored personnel carrier, camouflage uniforms, and a macbre cow's skull.



"domestic counterintelligence program," a systematic effort to subvert or destroy politically objectionable organizations. In 1971, J. Edgar Hoover, under congressional pressure, ordered the FBI to terminate such programs. But the Pine Ridge record seems to indicate that while such activities may have been stopped in name, they were *not* stopped in practice.

FBI actions against AIM, as the information

"Dickie" Wilson (In the dark glasses) travels through the Pine Ridge Reservation in 1973 with a typical escort of GOONs. Wilson worked closely with the FBI.

Federal Judge Fred Nichol dismissed charges against Russell Means and Dennis Banks, saying FBI actions had "polluted" the waters of justice.



which follows amply illustrates, included the use of infiltrators and *agents provocateurs*, the dissemination of deliberate disinformation, and the blatant fabrication of evidence to obtain criminal convictions of key organizational leaders who could not otherwise be neutralized.

The use of such methods was clear enough that federal district judge Fred Nichol observed,

while dismissing charges against AIM leaders Russell Means and Dennis Banks in 1974, "It's hard for me to believe that the FBI, which I have revered for so long, has stooped so low." Because of the FBI's tactics, Nichol said, "the waters of justice have been polluted."

With such AIM activists as Leonard Peltier still unjustly imprisoned and others, including Dennis Banks, still facing trials, those waters remain polluted.

The need for a commission of inquiry, as suggested by Amnesty International in 1980, is as strong as ever.

The light of truth is needed in at least the following areas:

The GOONs—

The idea that the FBI might support and coordinate a "private army" designed to attain political objectives is nothing new.

Former FBI informer Nanda Zocchino told the *Los Angeles Times* in 1976 that the bureau had created and financed a "crypto-fascist" group in San Diego called the Secret Army Organization (SAO). During the early seventies, she said, the SAO engaged in burglary, mail thefts, bombings, kidnappings, assassination plots, and attempted murder. These activities, according to Zocchino, were directly supervised by the bureau. Howard Berry Godfrey, an informant working out of the San Diego FBI office, has substantially corroborated Zocchino's story, while the bureau itself has done little to deny it.

The scale and duration of GOON activities on Pine Ridge from 1972 onward—and the FBI's lack of a response—suggests a similar situation. In addition, GOON activities seemed clearly coordinated with FBI operations. The GOONs, for instance, maintained roadblocks around Wounded Knee in 1973, greatly enhanc-

ing the siege perimeter established by federal forces there.

In addition, the bureau created, equipped, and trained a BIA SWAT team on the reservation in 1973. This further contributed to the pervasive GOON terror on and around the reservation because, as the FBI knew, there was considerable overlap in membership between the FBI-controlled BIA police on Pine Ridge and the GOONs.

Due to the bureau's penchant for secrecy, other possible links between the FBI and the GOONs remain clouded in obscurity. One reason a congressional investigation or commission of inquiry is needed is to bring to light all aspects of the FBI's involvement with the GOONs, including the bureau's repeated non-prosecution of GOON atrocities.

Disinformation—

The FBI's propagation of deliberate disinformation about AIM seems to have been designed to discredit the organization in the public mind. It may have also been intended to condition public sentiment to accept the violent suppression of its members.

Four examples of FBI disinformation provide salient illustrations:

The George Aird Murder Douglass Durham and Virginia "Blue Dove" De Luse were FBI infiltrators acting as *agents provocateurs*. On October 10, 1974, they began a campaign—as "AIM spokespeople"—to associate the organization in the public mind with the torture and murder of cabdriver George Aird. Aird was killed at AIM's Camp 13 in Box Canyon near Los Angeles.



Virginia "Blue Dove" De Luse, an FBI *agent provocateur*, was instrumental in pinning false murder charges on two of AIM's California members.

Durham penned a letter linking AIM to the slaying and left it, along with a scalp purportedly taken from Aird's body, prominently displayed at the camp to be found by investigators. Durham and De Luse then falsely targeted Paul "Skyhorse" Durant and Richard "Mohawk" Billings for the murder. Both men, California members of AIM, were prosecuted for the murder, though it now appears that Marvin Red Shirt, a government witness, actually committed or at



Paul "Skyhorse" Durant (far left) and Richard "Mohawk" Billings (far right) confer with their lawyers. As part of the FBI's harassment campaign, these two AIM members were falsely charged with the murder of a Los Angeles cab driver. They spent 3½ years in jail before their acquittal.

Although he offered not a shred of evidence, his assertions became the basis of a widely distributed report on AIM issued by the subcommittee. Durham continued his discreditation on a lecture tour sponsored by the South Dakota and Nebraska chapters of the John Birch Society. He was often accompanied during these lectures by agents of the FBI.

least participated with others in the crime.

In any case, the FBI's aim was achieved: the portrayal of AIM as a violent, criminal organization.

The Jumping Bull Story Immediately after the June 26, 1975, fire fight at Oglala (described below), the FBI issued a series of field reports. These indicated that the Jumping Bull compound (the scene of the shooting) was in fact a sophisticated AIM military complex with fixed defensive positions, including military-style bunkers.

An FBI external affairs officer, sent in specially from Washington to "handle press," also told UPI, the *Washington Post*, and the *New York Times* that the special agents killed in the fire fight had been "dragged from their cars and shot up to fifteen to twenty times with automatic weapons." These reports received wide coverage in the press.

As an article in the *Columbia Journalism Review* later pointed out, by the time all of this was reported, the agents doing the reporting were, of necessity, already aware of its falsity. It wasn't until five days later, after the initial burst of publicity, that FBI director Clarence Kelly admitted at a press conference that there were, in fact, no "bunkers"—only an abandoned horse shed and chicken coop. (Even that wasn't right. The so-called bunkers were actually cattle shelters and fallen root cellars, both common in rural areas.)

A report prepared by the Mountain States Regional Office of the U.S. Commission on Civil Rights called the FBI's initial reporting "false, unsubstantiated," and "highly inflammatory." What it succeeded in was heightening anti-AIM feelings.

The "Communist" Connection Durham appeared before Sen. James Eastland's Senate Subcommittee on Internal Security in April 1976. An FBI infiltrator and *agent provocateur*, Durham was the sole witness concerning AIM. He testified that the organization was communist-infiltrated, involved in terrorism, and "committed to violence." AIM, he said, "has communist ties to Cuba, the Soviet Union, and China."

The "Dog Soldier" Teletype On June 22, 1976, the FBI released to the media a teletype Kelly had sent to the U.S. deputy attorney general. In the document, he contended he had "reliable information" that some two thousand AIM warriors, known as "dog soldiers," were planning to assassinate the governor of South Dakota.

These warriors, trained "in the Northwest Territory," were also planning to blow up numerous buildings, "burn" farmers, snipe at tourists, and engage in some unspecified "action" at Mt. Rushmore. The story was printed in many newspapers and broadcast on radio and television stations across the U. S.

Later, during the trial of AIM members Darelle Butler and Robert Robideau, Clarence Kelly, head of the FBI, was subpoenaed as a witness. During his testimony, Kelly was asked by attorney William Kunstler what evidence the bureau had to support this document. To this Kelly replied, "I know of none."

Given the intensity and consistency of the FBI's *known* disinformation campaigns, an important task for any congressional inquiry will be determining the full scope of such efforts. All documents associated with these efforts should be brought to light.

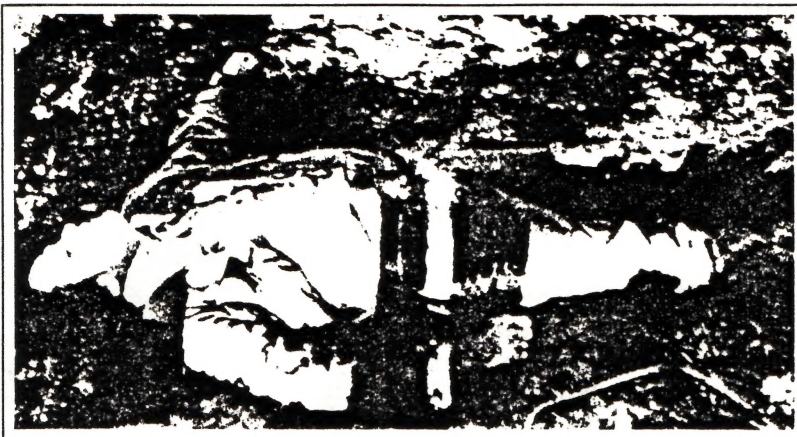
The Oglala Fire Fight—

In June 1975, at the request of traditional leaders around Oglala, a group of AIM people set up an encampment at Jumping Bull compound, a family property near the village of Oglala on the Pine Ridge Reservation. Traditional leaders invited the AIM people in to provide some protection from GOON violence, which had been particularly severe in the area.

On June 26, for the second day in a row,



An FBI agent, equipped with Vietnam-issue bush hat, jungle fatigues, and M-16 rifle, patrols the Pine Ridge Reservation during the summer of 1975.



The body of AIM member Joe Stuntz Killright lies in the mud after the Oglala fire fight. Circumstances point to the possibility of summary execution. The FBI has refused to investigate.

FBI special agents Ronald Williams and Jack Coler appeared at the compound. Ostensibly, they were seeking to arrest AIM member Jimmy Eagle on charges derived from a complaint about the theft of a pair of used cowboy boots. According to subsequent trial testimony, the agents had been told that Eagle and three other young AIM members were actually wanted for kidnapping, aggravated assault, and aggravated robbery. They nevertheless carried no warrant for his arrest.

For reasons which remain unclear, Williams and Coler opened fire on people in the compound. Persons from the AIM encampment, believing themselves under attack by GOONs, returned the fire. In the ensuing fire fight, which eventually involved hundreds of law enforcement personnel, both FBI agents were killed.

Also killed that day was AIM member Joe Stuntz Killright. According to the official au-



One hundred FBI agents in full combat gear, covered by four attack helicopters, surrounded the home of Leonard Crow Dog in September 1975, engaging in wholesale arrests and warrantless searches of private property.

topsy, Killright was killed by a single rifle round fired from long range which hit him dead center between the eyes. South Dakota's assistant attorney general, William Delaney, who was at the scene, contradicted that report. He said at the time that Killright received "a burst in the back" at close range.

National Public Radio reporter Kevin McKiernan arrived shortly after Delaney. He says Killright appeared to have been fitted into an FBI field jacket—as if to cover his torso. McKiernan, who observed the body leaking blood "down the jacket sleeve," insists the hole-in-the-forehead story is false.

All of this raises the possibility that Killright was summarily executed by either the FBI or non-FBI personnel, whose actions were then covered up by the bureau.

After the June 26 fire fight, the FBI moved onto Pine Ridge and the adjoining Rosebud Reservation in force. At least 170 agents, augmented by U.S. marshals, BIA police, GOONs, and non-Indian vigilante groups, dramatically made their presence felt. Using military-issue armored personnel carriers and Bell "Huey" helicopters, they conducted massive sweeping operations in both locales. Warrantless searches, breaking and entering, destruction of private property, physical intimidation, false arrests, and other systematic deprivations of civil rights often accompanied these Vietnam-style sweeps.

Probably the worst incident occurred on the morning of September 5, 1975, when approximately one hundred agents in full combat gear, covered by four attack helicopters, surrounded and occupied the Running and Crow Dog residences on Rosebud, engaging in wholesale arrests ("for questioning") and the warrantless searches of both properties. The chairperson of the U.S. Commission on Civil Rights later characterized the operation as giving "every appearance of being a full-scale military-type invasion."

Two AIM members, Darelle "Dino" Butler and Robert "Bob" Robideau, were subsequently tried in Cedar Rapids, Iowa, before federal district judge Edward McManus for the murders of special agents Williams and Coler. They were acquitted July 16, 1976. The jury ruled that any involvement by Butler and Robideau in the agents' death was in self-defense. Both judge and jury noted the sparsity of evidence and the significant level of FBI "misconduct" in preparing what little evidence there was.

Butler and Robideau's codefendant, Leonard Peltier, stood trial in Fargo, North Dakota, in April 1977 after being fraudulently extradited from Canada (see below). Documents obtained under the Freedom of Information Act reveal that charges against the fourth defendant, Jimmy Eagle, were dropped so that "the full prosecutive weight of the federal government could be directed against Leonard Peltier."

Paul Benson, Peltier's trial judge, refused to allow the jury to hear any testimony of FBI misconduct. He also disallowed any testimony about the atmosphere of terror prevailing on Pine Ridge prior to the fire fight. As we'll explain later, the trial was pervaded by fraud and misconduct on the part of the FBI and the prosecution. Peltier was convicted on two counts of first-degree murder and sentenced to two consecutive life terms in prison.

In their entirety, at least six thousand pages of FBI documents and at least five thousand pages in part, all relevant to the Oglala fire fight and the events which followed, remain classified for reasons of, among other things, "national security." Given the trivial nature of Eagle's alleged offenses (which started the affair) and their apparent insubstantiality (he was subsequently acquitted), the question must be posed as to the FBI's real motivation for repeatedly visiting the Jumping Bull compound and opening fire on people there.

There is a widespread belief on the Pine Ridge Reservation that the conduct of special agents Williams and Coler was a diversion designed to mask negotiations undertaken the day before the fire fight by tribal president Wilson. These negotiations led to an agreement, signed in January 1976, transferring 76,200 acres of tribal land to the federal government. This was a violation of the 1868 Fort Laramie Treaty, which requires a three-fourths expressed consent of all adult male Lakotas before land cessions may occur. Done without the approval of the tribal council, it was also a violation of BIA regulations.

During the early seventies, satellites operated by the National Aeronautics and Space Administration and the National Uranium Resources Evaluation Program had located substantial uranium deposits within this land parcel. The existence of such a stimulus could do much to explain the federal posture vis-à-vis AIM, which still vehemently opposes such land cessions.

During the spring of 1975, a Senate committee headed by Frank Church had begun to probe FBI activities with regard to AIM. This investigation was terminated immediately after, and ostensibly because of, the Oglala fire fight. Legitimate questions have been raised as to whether the bureau deliberately provoked an incident significant enough to abort the Senate select committee's scrutiny of its conduct on Pine Ridge. Such an effort might well have been a part of the FBI's thinking. But again, all documents that might reveal—or disprove—such a motivation remain classified.

Until the FBI can be persuaded to release the vast number of documents it is hoarding on this incident, the intent and purpose of agents Williams and Coler will remain shrouded in mystery—as will the death of AIM member Joe Stuntz Killbright, a death which the FBI

says it has never investigated.

The continued hiding of illegal FBI activities before, during, and after the Oglala fire fight does not promote "national security." It endangers it. Only a congressional investigation or commission of inquiry, with power of subpoena, can bring a measure of truth to this dark period of contemporary American history.

Assassinations—

"The only way to deal with the Indian problem in South Dakota," said William Janklow, then South Dakota deputy attorney general, "is to put a gun to AIM leaders' heads and pull the trigger."

A lot of trigger-pulling occurred on Pine Ridge from 1972 though 1976, with a vastly disproportionate number of AIM members and supporters dying violently in the context of FBI operations there. Three instances are sufficient to suggest the probability of a deliberate pattern of political assassination:

The Case of Pedro Bissonette Pedro Bissonette was head of the Oglala Sioux Civil Rights Organization (OSCRO). He had also participated in the Wounded Knee occupation. He was widely viewed as a thorn in the side of those who were seeking a passive Indian population.

Bissonette was hunted down and shot to death by BIA police on October 17, 1973. While police claimed he had "resisted arrest,"



Pedro Bissonette, head of the Oglala Sioux Civil Rights Organization, was leading a move to impeach tribal president Dickie Wilson when he was shot to death by BIA police for "resisting arrest."



It was at GOON roadblocks, such as this one, that Pedro Bissonette, Byron DeSersa, and other AIM members and supporters were killed.

In 1975, Anna Mae Aquash was told by agent David Price that she wouldn't live out the year if she didn't "cooperate" with the FBI. Coincidentally, her frozen body was "found" that winter by Price. A coroner hired by the FBI, ignoring a bullet in her head, concluded she died of "natural causes."



there is no indication that Bissonette engaged in behavior of the sort which might have warranted the point-blank infliction of multiple gunshot wounds.

The FBI conducted no comprehensive investigation into the particulars of Bissonette's death. Before his death, it had been rumored that Bissonette was "on the list" for elimination. After his death, OSCRO ceased to exist as a viable organization.

The Case of Byron DeSersa Byron DeSersa was killed by GOONs during a chase on the reservation. His car, carrying three passengers, all unarmed, was pursued by six cars full of known GOONs.

The survivors from DeSersa's vehicle provided information in sworn affidavits that after the AIM supporter's wounds were inflicted, armed GOONs (whom they identified) prevented his receiving medical attention, attention which could have saved his life.

Again, the FBI conducted no comprehensive investigation into the matter. Despite glaring bureau inaction, officials of a neighboring town arrested one of the GOONs, Charlie Winters, and charged him with first-degree murder. In return for testimony that Billy Wilson (Dick Wilson's son) and Chuck Richards (Wilson's brother-in-law) had actually done the firing on DeSersa, Winters was let off with a two-year sentence.

Wilson and Richards then stood trial, pleading self-defense against the unarmed and outnumbered DeSersa. By some miracle, they were acquitted.

DeSersa had been showing considerable development as an AIM advocate, writing for a local newspaper in the reservation village of Manderson, South Dakota. He also worked with the Wounded Knee Defense/Offense Committee. His elimination took care of another thorn in the side of those who were seeking to destroy the American Indian Movement.

The Case of Anna Mae Aquash The body of Anna Mae Aquash was found February 24, 1976, near Highway 73 in a deserted area of Pine Ridge. FBI agent David Price, who had an official record of misconduct, was among the first law enforcement personnel on the scene.

Price knew Aquash well, and Aquash had told several friends that she feared Price because he had threatened her life. Price believed she was withholding information concerning the whereabouts of Butler, Robideau, and Peltier, all of whom were wanted at the time in conjunction with the Oglala fire fight. Nonetheless, Price professed to be unable to identify the body.

W. O. Brown, a coroner retained by the FBI, subsequently determined that the unidentified corpse had died of "exposure." Brown was the same person who earlier determined that Killright had died of a single gunshot wound to the head, despite evidence to the contrary. An FBI favorite, he had also been brought in from Nebraska to perform the autopsy on Bissonette.

Aquash's body was interred in a common grave on the reservation, with its hands severed. These were sent to the FBI laboratory in Washington, D.C., for "positive identification." On March 5, the bureau notified Aquash's family in Canada of her death "by natural causes."

The family, immediately skeptical, contacted AIM attorneys in South Dakota, requesting exhumation of the body for a second autopsy. Under pressure, the FBI reluctantly filed for an exhumation.

The Wounded Knee Legal Defense/Offense Committee chose Garry Peterson, resident pathologist at St. Paul (Minnesota) Hospital, to perform the second autopsy. An x-ray immediately revealed an object in Aquash's left temple which was found to be a .32 or .38 caliber bullet. Peterson found Aquash's death to have been caused by a handgun fired at point-blank range into the base of her skull.

No one has ever been charged in the Aquash murder. Agent Price has never been deposed on the matter. And the FBI has regularly put off questions on its handling of the affair.

Given the appearance of bureau acquiescence—or outright complicity—in the politically motivated liquidation of AIM members and supporters on and around Pine Ridge, a thorough investigation is warranted. Until all FBI documents relating to these and at least sixty-five other homicides occurring on the reservation between 1972 and 1976 have been divulged, no sense of truth can prevail.

Bad Jacketing—

Charges and countercharges of "being a cop" are inherent in any organization targeted for police infiltration and disruption. It is also known that the FBI, like other politically moti-

AIM: A Vigorous Advocate

The American Indian Movement, known as AIM, was founded in Minneapolis in 1968 by Dennis Banks and Clyde Bellecourt. Although initially a movement of urbanized, alienated Plains Indians angrily seeking to recover their rights and heritage, AIM has grown to national proportions, attracting a wide variety of rural and urban Indians to its cause.

From the beginning, AIM has been a vigorous advocate of American Indian rights, particularly in relation to treaty implementation and the exercise of native sovereignty over Indian territories.

AIM's perspectives often coincide with those of traditional Indian elders. Nevertheless, there have occasionally been tensions between AIM activists and traditional leaders. These have been less over political perspectives than over style.

At least at first, AIM people were sometimes seen as newcomers to the cause, inept in the native language and not sufficiently in tune with traditional spirituality. But over the years AIM has gained in maturity. And as it has gained in maturity, steadfastly holding to its vision through some severe assaults, it has also grown in respect among native people.

During the nineteen years of its existence, AIM's involvement in the American Indian struggle has been wide ranging.

In 1970, it participated in the occupation of Alcatraz Island, attempting to assert treaty rights to unused federal land. On Thanksgiving Day 1971, as a reminder of U.S. treatment of native people, it participated in the occupation of the replica of the Mayflower in Plymouth, Massachusetts. And during Election Week 1972, it helped occupy the Bureau of Indian Affairs building in Washington, D.C., pleading for a change in federal treatment of Indian people.

In 1973, asking the Senate Foreign Relations Committee for a review of U.S.-Indian treaty violations, AIM forcibly occupied the South Dakota hamlet of Wounded Knee, site of an 1890 massacre of

Sioux Indians by the U.S. Cavalry. In 1974, it organized an indigenous, consultative, nongovernmental organization—the International Indian Treaty Council—to present the Indian case in international human-rights forums (the first such organization recognized by the United Nations).

During the mid-seventies, AIM fought repeatedly for its survival against often brutal assaults by the FBI (see accompanying article). In 1980, it founded KILI-FM, the first community-controlled Indian radio station on the Pine Ridge Reservation (one of AIM's traditional centers of strength).

In 1981, it established the Thunder Yellow Camp in the Black Hills on behalf of Indian land recovery. As a result of that encampment, a federal court ruled for the first time, late last year, that a piece of land could, in itself, be sacred to native people.

Throughout this period, AIM has also been active in securing native fishing rights in the Pacific Northwest, opposing forced Navajo-Hopi relocation, and supporting native land claims in New England.

AIM's reputation is not silver-plated. Like all organizations, it has

had its share of unsavory members, including those who have not been willing to follow what some traditional Lakotas call "the way of the pipe."

But as the accompanying article points out, AIM's most violent images were hand-created by the FBI in a deliberate effort to undermine its power. For years, AIM was the victim of systematic disinformation campaigns. Television and newspapers blindly spread lies about it, and when the truth came out, they seldom reported it.

If the FBI's aim was to put AIM in its grave, it failed. Though largely ignored by the media, AIM today has active chapters across the United States. The efforts of these chapters are coordinated by a twenty-member national governing council.

Since 1979, AIM has had no national officers. As a long trail of blood has made evident, such officers are nothing but an easy target for anti-Indian forces. AIM, in upholding the dignity and sovereignty of native people, has no desire for additional bloodshed. It's not looking for martyrs. It's looking for justice.

That justice, given the prevailing U.S. mind-set, remains depressingly slow in coming. —Mark Olson



AIM leaders Dennis Banks (left) and Russell Means (right) were frequent victims of legal harassment. The FBI worked with South Dakota law-enforcement agencies to bring more than forty separate charges against Means from 1973 to 1977, all without conviction. This tied him up in endless court battles and high bails. A similar campaign against Banks became so blatant that California Gov. Jerry Brown granted him political asylum in that state, a situation unique in American history. Although Banks has retired from AIM activity, the bureau is still seeking to bring dubious weapons charges against him stemming from a 1975 Oregon incident.

An FBI infiltrator and agent provocateur, Douglas Durham worked hard to create an image of AIM as a militant, violence-prone organization. A non-Indian with hair grown long and dyed black, he was paid "\$1,000 a month, cash."



vated agencies, sometimes fosters such suspicions, particularly with regard to people they consider key activists.

Known as *bad jacketing*, this technique effectively neutralizes the individuals targeted by radically undercutting their credibility among their peers. Not only does it isolate them from the leadership circle, but, in cases of extreme pressure (such as that visited upon AIM), it can also create the potential for "liquidation" by their own associates, acting in what is falsely perceived as self-defense. Those committing the murder can then be prosecuted—and eliminated. (The FBI successfully used such methods against the Black Panthers in the late sixties.)

How much the FBI used bad jacketing against AIM is still unclear. What is reasonably clear is that FBI infiltrator Durham deliberately aroused the suspicion within AIM that Aquash was working for the bureau. He was assisted in this endeavor by agent Price (who found her body) and another infiltrator known as John "Daryl Blue Legs" Stewart.

The notion that Aquash's bad jacketing was sanctioned from high up in the FBI receives circumstantial corroboration from an entirely atypical FBI denial that she was an informant, published in the March 11, 1976, edition of the *Rapid City Journal*. This was before a second autopsy revealed the cause of her death—and before rumors of her being a police agent had become widely known.

Given the unresolved identity of Aquash's killer or killers, the apparent death threat made to her by Price, and other factors, any congressional investigation needs to clarify the bureau's role in this. All FBI documentation of the Aquash bad jacketing—and any similar AIM-related activities in which the FBI may have engaged—should be opened to public scrutiny.

Russell Means (far left) and Dennis Banks (far right) sit with lawyer William Kunstler during a break in the Wounded Knee Leadership Trials in 1974.



Agents Provocateurs—

Although AIM was undoubtedly infiltrated by a number of other FBI employees, such as Virginia "Blue Dove" De Luse, the case of Douglass Durham causes the greatest concern.

Durham was a non-Indian. His past included a stint in CIA paramilitary operations in Central America, being fired from the Des Moines police department, diagnosis as a violent schizoid, and ties to organized crime in the Midwest. By his own admission, he was retained by the bureau in 1973 ("a thousand dollars per month, cash") to infiltrate AIM and undertake a range of tasks.

His accomplishments are impressive. He managed to secure a position as personal bodyguard to AIM leader Dennis Banks and as AIM's national security director, a position he created. In this capacity, Durham assumed a wide range of organizational responsibilities.

Despite attempts of AIM members to discourage him, he persistently advocated armed violence, including the release of several unauthorized memos and statements indicating AIM was preparing to engage in systematic violence.

As a trained pilot, Durham is known to have flown a number of illegal "AIM missions" of his own design across the U.S.-Canadian border. He is widely suspected of engaging in smuggling activities, also of his own design.

Durham testified at a pretrial murder hearing of California AIM member Paul "Skyhorse" Durant, misrepresenting himself as an "Iowa psychotherapist" and offering "evidence" of Skyhorse's "mental instability." He also claimed neither Skyhorse nor Skyhorse's codefendant Richard "Mohawk" Billings were really AIM members—and he managed to prevent either man from receiving AIM's legal assistance for nearly twenty-four months. (They were later acquitted of murder charges stemming from the AIM Camp 13 incident.)

Durham served as part of the defense team in the so-called Wounded Knee Leadership Trials of Russell Means and Dennis Banks in Cedar Rapids in 1974. The disclosure of this government agent within the defense team, among other factors, led trial judge Fred Nichol to dismiss all charges against the defendants, noting, "I am forced to conclude that the prosecution (and the FBI . . .) acted in bad faith."

Durham proposed in 1974 that AIM should kidnap South Dakota assistant prosecutor to the attorney general William Janklow. Although this proposal was declined, it is indicative of his role as *provocateur*, attempting to incite violence and other illegal acts.

In apparent cooperation with FBI special agent Richard G. Held, Durham brought a young Lakota woman, Jancita Eagle Deer, from Iowa in 1974 to participate in an AIM campaign (which Durham engineered) to discredit Jan-

As the special agent in charge of the Minneapolis office, Joseph Trimbach swore that the FBI had no infiltrators in the defense team at the Wounded Knee Leadership Trial. It was later learned that Doug Durham, head of security for the defense team, was an established FBI operative, reporting to the bureau's Minneapolis office. During the same trial, Trimbach refused to allow lie detector tests to be given to witnesses arranged by the FBI to provide false testimony.



Under pressure from the FBI, Louis Moves Camp offered false testimony against Dennis Banks and Russell Means at the Wounded Knee Leadership Trials. As a reward, the FBI helped him escape a rape charge.

The Moves Camp Affair FBI agents David Price and Ronald Williams met with former AIM member Louis Moves Camp from August 5 through August 10, 1974, at Ellsworth Air Force Base near Rapid City. The agents were apparently coaching

klow. Janklow had been charged in tribal court with raping Eagle Deer, then fifteen, on the Rosebud Reservation in 1967. When the rape issue, predictably enough, failed to bear fruit, Eagle Deer became Durham's "companion."

Shortly after the exposure of Durham's identity as an infiltrator, he disappeared, Eagle Deer in tow. Her body was discovered on a Nebraska back road on April 4, 1976.

The official report lists Eagle Deer's cause of death as "hit and run." Although the injuries caused by the hit and run were too extensive to permit a positive identification, informal coroner's comments suggest she could have been beaten prior to being run over. Durham was known to have beaten Eagle Deer prior to his disclosure as an agent. No subsequent investigation has been made.

The role of Durham—and possibly other FBI infiltrator/provocateurs—in the events which transpired on Pine Ridge from 1973 onward and in the creation of the climate in which they occurred remains a legitimate area of concern. With Durham implicated in at least two murders or possible murders, it is important that all information concerning his activities be divulged by the FBI. Similarly, the presence and precise function of other infiltrator/provocateurs employed by the FBI against AIM needs to be disclosed.

Fabricated Evidence—

Indications that the FBI systematically engaged in manufacture of evidence to obtain criminal convictions of AIM members "by any means necessary" can only be described as vast. The following examples merely illustrate the whole.

Moves Camp to perjure himself, "filling holes" in the government case against AIM leaders Means and Banks, who were charged as part of the "Wounded Knee Leadership Trial."

U.S. prosecutor R. D. Hurd requested a polygraph examination be administered to Moves Camp prior to his testimony. Joseph Trimbach, the agent in charge of the FBI's Minneapolis office, refused. It later turned out that events at Wounded Knee which Moves Camp testified to as an "eyewitness" occurred while Moves Camp himself was in California, not South Dakota.

The evidence seems to indicate that the FBI was aware of this before his testimony. Reports also indicate that, shortly before Moves Camp delivered his false testimony, agent Price, through several hours of persuasion, undid a rape charge lodged against Moves Camp in River Falls, Wisconsin. (Revelation of the FBI's role in the Moves Camp affair was the final blow which led Judge Nichol to dismiss all charges against Means and Banks.)

The Myrtle Poor Bear Affair On February 19, February 23, and February 30, 1976, Price and fellow agent William Wood wrote three separate and contradictory affidavits for a woman named Myrtle Poor Bear to sign in Rapid City.

In the first two versions, Poor Bear claimed she was the "girl friend" of Peltier and that she had witnessed "Peltier and several others" planning to kill BIA police or FBI agents in June 1975. In the final affidavit, she also claimed to have been an eyewitness to the deaths of Williams and Coler on June 26, 1975, during the infamous Oglala fire fight. In the first two versions, she claimed *not* to have been present.

In the final affidavit, she says she saw Peltier killing Williams and Coler. In the first two affidavits, she says only that he confessed to her that he had killed them.

The third affidavit was ultimately submitted to the Canadian government—with no mention of the first two—to obtain the extradition of Peltier who had gone to Canada not believing he would get a fair trial. Later, after Peltier had been forcibly returned to the United States, Poor Bear recanted under oath the information in all three affidavits. She contended that Price

must be willing to fabricate other evidence.” (For additional legal background, see the article by William Kunstler elsewhere in this issue.)

To date, fifty-one members of the Canadian Parliament have asked for a new trial in the case of Peltier, largely due to the fraudulent extradition proceeding. Six of the petitioners held cabinet positions in the government when Peltier was extradited, including the then solicitor general.

Jim Fulton, a member of Parliament and sponsor of a petition protesting the extradition said that it “constitutes treaty fraud between our nations and should we sleep on this case, we can surely expect a repetition in the future. . . . As a nation, we should call for the return of Leonard Peltier. He was fraudulently extradited.”

The Marvin Bragg Affair In April 1976, Butler and Robideau were awaiting trial for the deaths of Williams and Coler during the Oglala fire fight. Several hacksaw blades were found in the large cellblock where Butler and Robideau were housed. Shortly thereafter, agents Price and Fred Coward huddled with Marvin Bragg, alias Ricky Waters, an inmate in the same cellblock who



Leonard Peltier enters a car in Vancouver, B.C., before being extradited to the United States on “evidence” the FBI later admitted was phony. The United States’ most widely known political prisoner, he’s serving two life terms at the federal penitentiary at Leavenworth. All efforts for a new trial have been quashed.

and Wood had coerced her signature, holding her incommunicado for several days in motels in Gordon, Nebraska, and Sturgis, South Dakota. In sworn testimony, she claimed that they told her that unless she signed, she would “end up like Anna Mae (Aquash).”

During Peltier’s trial, his attorneys attempted to have Poor Bear’s description of FBI coercion presented to the jury. Judge Benson refused, stating, “The court would have seriously considered allowing her testimony to go to the jury on the grounds that if believable by the jury, the facts she testified to were such that they would shock the conscience of the court and in the interests of justice they should be considered by the jury. However, . . . the court concluded that the danger of confusion of the issues, misleading the jury, and unfair prejudice outweighed the possibility that the witness was believable.”

During appeal proceedings before the U.S. Eighth Circuit Court, the government acknowledged that the affidavits were false but argued that the verdict should nevertheless be upheld. Donald Ross, one of the judges hearing the appeal, later commented, “What happened happened in such a way that it gives some credence to the claim of the Indian people that the United States is willing to resort to any tactic in order to bring somebody back to United States from Canada. And if they are willing to do that, they

was facing eighty years in prison for the rapes of at least ten elderly women.

On the advice of his lawyer, Bragg “cooperated” (his word) with the agents. This “cooperation” resulted in a statement naming Butler, Robideau, and three other AIM members as those who were plotting the escape attempt. Based on later court statements by Bragg, it seems likely that Price and Coward offered him a deal on pending rape charges in exchange for his statement. This would allow them to introduce false but damaging testimony in the trials of the AIM members concerned.

Premature disclosure of the situation forestalled FBI attempts to introduce the statement at any of the trials. Recently released FBI documents show that the FBI knew that the statements were false from the beginning.

The Mike Anderson Affair Mike Anderson, a fifteen-year-old AIM member who had been present at the June 26 fire fight near Oglala, was arrested in Wichita, Kansas, on September 10, 1975. Nine charges were leveled against him, including transporting firearms and explosives across state lines.

Anderson was visited in his cell by agents Gary Adams and Victor Harvey. Anderson asked to have an attorney present, but none was called. According to Anderson, Adams then told him, “If you don’t talk, I will beat you up in the cell.” A similar incident occurred a year

and a half later when Anderson was picked up in Albuquerque on a probation violation charge. Adams, this time accompanied by agent James Doyle, again "interviewed" Anderson concerning the fire fight.

Anderson ultimately offered extremely contradictory testimony, claiming variously to have witnessed or not to have witnessed most of the events of June 26 from the roof of the Siers house in the Jumping Bull compound.

His testimony, fraught with inconsistencies and apparently coerced, was nevertheless quite damaging to Peltier's defense. Anderson's garbled testimony was the primary means by which the prosecution "established" that Williams and Coler had followed a "red and white van" (known to be used by Peltier) into the Jumping Bull compound rather than the "orange pickup" reported by the agents themselves prior to their deaths. The jury, vigorously encouraged by the prosecution, convicted him of killing the agents.

The Wichita charges against Anderson, which carried a potential ninety-year combined sentence, along with a New Mexico burglary charge, were dropped upon his agreement to testify. He died under suspicious circumstances on the Navajo reservation not long after the trial. No autopsy was performed. No investigation was made into the cause of death.

The Norman Brown Affair Agents Adams and Harvey, who did the initial "interviewing" of Anderson, also paid a visit to AIM member Norman Brown, who was in Chinle, Arizona. On September 22, 1975, Adams told Brown, "If you don't talk to us, you might never walk the earth again." Brown was told that if he didn't supply the information they wanted, he wouldn't see his family again.

According to Brown's own testimony under oath, he became "exceptionally frightened." On January 13, 1976, he testified before a federal grand jury in Sioux Falls, South Dakota, implicating Peltier, Butler, and Robideau in the killings of Williams and Coler.

During Peltier's trial in Fargo, despite having been guaranteed immunity from prosecution, Brown repudiated his own, coerced grand-jury testimony.

The "Wish" Draper Affair AIM member Wilford "Wish" Draper, after being arrested on January 9, 1976, by FBI agent Charles Stapleton on alcohol and armed robbery charges, was tied to a chair and "interviewed" for hours with regard to the Oglala fire fight.

Draper eventually signed a statement prepared for him by Stapleton and agent Doyle. The statement implicated Peltier, Butler, and Robideau in the deaths of Williams and Coler. After signing the statement, all charges against Draper were dropped. Four days later, Draper provided similar testimony to a grand jury in Sioux Falls.

At Peltier's Fargo trial in 1977, Draper testi-

fied that his grand jury report was "false." Its content, he said, had been "suggested" by the FBI.

The Agent Coward Affair During Peltier's 1977 trial, agent Coward, who had helped get a false statement out of Marvin Bragg, testified that he had personally seen Peltier running away from the bodies of Williams and Coler. He claimed this sighting was made from a distance of approximately 800 meters (approximately half a mile) through a 7x rifle scope on a hot summer day, following rain the previous night.

Under such conditions, a severe "mirage effect" normally hampers viewing. Coward nonetheless claimed to have identified through a rifle scope an individual he had never seen before, running away from him at an oblique angle. Attempts by both the FBI and the defense to reproduce such an identification under more favorable conditions failed. It now seems likely that Coward's testimony was deliberately perjurious.

The Case of the Mysterious Shell Casing During the Peltier trial, ballistics provided the single, solid piece of evidence introduced by the FBI in what was otherwise a close, circumstantial case. Both the prosecutor and the Eighth Circuit Court of Appeals agreed that this was the heart of the case. Yet here, too, there is now substantial evidence of FBI fabrication.

After the Oglala fire fight, coroner's reports showed that at least one of the two agents was killed by a small-caliber (.30 or less), high-velocity rifle fired at close range. During the trial, FBI firearms and tool-marks expert Evan

In 1973, an FBI agent takes aim on Wounded Knee. Snipers killed two AIM members during the incident. There were no federal casualties.



Hodge testified that a .223 caliber cartridge casing recovered from the trunk of Coler's car, near where the bodies were found, bore extractor markings consistent with it having been fired by an AR-15 rifle which the FBI claimed belonged to Peltier. (The identification of the rifle with Peltier was largely based on coerced statements that the FBI had "suggested" to

Anderson and Brown.)

Since the maximum distance which the AR-15 ejects its cartridges is about fifteen feet, this evidence was used to imply that Peltier had fired the cartridge in close proximity to the location of the agents' bodies.

The problems with the evidence are many. First, the AR-15 was recovered from a vehicle which exploded and burned on the Wichita, Kansas, turnpike at a time when Peltier was known to be elsewhere. Second, the .223 cartridge casing in question was not listed among the items found in the agents' cars by the investigators who examined them immediately after the fire fight.

It was supposedly found later by a fingerprint expert, a rather remarkable oversight on the part of the initial investigators.

Third, Hodge testified he made his association on the basis of extractor markings rather than a more definitive firing-pin test. He claimed the AR-15 was so damaged by the fire that the firing-pin test could not be performed. Fourth, Hodge admitted under oath that he did not perform the test on the .223 cartridge until December 1975 or January 1976, after hundreds of other ammunition components from the Oglala shoot out had already been examined. Normally one would expect that evidence most closely linked to the scene of the crime would be examined first, raising some question about whether the casing in question was actually found in the trunk of the car—or was conveniently relocated there in an effort to frame Peltier.

In 1980, several thousand pages of FBI documents related to the fire fight were released to Peltier's attorneys under the Freedom of Information Act. Among them was an October 2, 1975, teletype from Hodge to the Rapid City FBI office, stating that firing-pin tests *had* been performed on the Wichita AR-15 and that it could not be matched to *any* of the bullets and casings recovered from the immediate vicinity of the agents' bodies.

Peltier's attorneys asked for a new trial, based on this and other documents which contradicted FBI testimony during the trial. During a hearing in October 1984, Hodge was caught lying about whose handwriting appeared on a crucial ballistics analysis. In a quick change of story, the FBI asserted that the handwriting in question was that of a temporary assistant, the identity of whom Hodge could not recall. Suspicion re-



Richard G. Held, an architect of the FBI's controversial COINTELPRO program, supervised many of the bureau's Pine Ridge operations, including Leonard Peltier's false extradition from Canada. In 1977, at age 68, he was rewarded by being made second in command at FBI headquarters.

mains that the ballistics evidence was tampered with or deliberately fabricated.

Nevertheless, last September 11, the Eighth Circuit Court of Appeals denied Peltier's appeal for a new trial. The appeal had been made on the basis of the deliberate withholding by the prosecution of crucial exculpatory evidence.

The court ruled that while it is *possible* that the outcome of the trial would have been different if Peltier's attorneys had had access to the October 2, 1975, teletype, there wasn't a *probability* that the jury's verdict would have been different.

The heart of the judges' decision appears to have been a desire to do nothing that might further damage the FBI's reputation. In their opinion, they state, "There are only two alternatives . . . to the government's contention that the .223 casing was ejected into the trunk of Coler's car when the Wichita AR-15 was fired at the agents. One alternative is that the .223 casing was planted in the trunk of Coler's car either before its discovery by investigating agents or by the agents who reported its discovery. The other alternative is that a nonmatching casing was originally found in the trunk and sent to the FBI laboratory, only to be replaced by a matching casing when the importance of a match with the Wichita AR-15 became evident. . . . We recognize that there is evidence in this record of improper conduct on the part of some FBI agents, but we are reluctant to impute even further improprieties to them."

As the evidence reviewed here indicates, there is more than a "record of improper conduct on the part of some FBI agents." There is rather a pattern of abuse which suggests a program coordinated at high levels within the bureau. And it is not abuse in a vacuum. Its

effects are still being felt—by American Indians in general and Peltier in particular.

Any remedy for past wrongs will require the release of all FBI documents related to the bureau's investigations of AIM—including those currently classified "in the interests of national security." Understandably, no one in the FBI will order the release of such documents. And it appears that no one in the executive or judicial branches of government is going to do so either. Apart from aggressive congressional action, any hope for a glimpse of truth is all but nonexistent.

The Held Connection—

We have saved for last one of the most shadowy—and disturbing—elements of FBI operations at Pine Ridge: the direct participation of the father-and-son team of Richard G. and Richard W. Held.

The father, Richard G. Held, entered bureau service in 1941, apparently as a counterintelligence operative, a specialty he emphasized throughout his lengthy career. He is noted by author Peter Matthiessen as being "a long-time COINTELPRO specialist." He is also known to have headed the bureau's internal-security section, under which COINTELPRO was implemented, during the period of its most serious transgressions (1968 to 1972).

As was revealed in Church committee proceedings and elsewhere, the earmarks of these COINTELPRO operations were the widespread use of infiltrators and *agents provocateurs*, "bad jacketing" or "snitch jacketing" of political figures, spurious arrests, and malicious prosecutions. Other techniques included fabricating evidence, fostering violent conflicts between elements of targeted communities, and the dissemination of systematic disinformation. In some instances, COINTELPRO during the Held period also arranged for the outright physical liquidation of those it wanted to dispose of. We see evidence, of course, of all of these methods in FBI actions against AIM.

Although it may be that Richard G. Held was not directly involved in the assassinations of Illinois Black Panther Party leaders Mark Clark and Fred Hampton, the FBI's anti-Panther campaign in the Chicago area was clearly a prime example of COINTELPRO at work. As is now known, bureau infiltrator William O'Neal set up Hampton and Clark for execution by Chicago state's attorney police, an act which Marlin Johnson, then head of the FBI's Chicago office, considered "so valuable" that on December 10, 1969, he sent a memo to FBI headquarters, asking that O'Neal be paid a monetary bonus.

The local FBI office had also instigated hostilities between the Panthers and a violence-prone rival group, the Black P. Stone Nation. O'Neal served as Fred Hampton's bodyguard. In this capacity, he was able to bad jacket several bona fide Panthers whom the bureau had targeted

for political neutralization. The FBI also deliberately released false information on the party to the media, caused the repeated arrest of party members, and arranged for an earlier, dubious conviction of Hampton on petty charges.

A detailed brief submitted by the People's Law Office to the U.S. Seventh Court of Appeals makes clear that Richard G. Held, then a special agent in charge of the Chicago office, coordinated the FBI's cover up of its role in the Hampton-Clark murders, thereby obstructing justice. The court eventually ruled in favor of the plaintiffs, granting the Hampton and Clark families \$1 million in damages. By then Held had already been rewarded for services rendered. Not only was he allowed to remain on the job long after the normal retirement age, but he was appointed to the number-two slot in the bureau.

By 1973, Richard G. Held had begun acting as a consultant to the FBI's Pine Ridge operation. And if a memo sent by him to FBI headquarters on October 16, 1975, means what it



appears to mean, he assumed on-site command of the operation on June 27, 1975.

The full role of Richard G. Held in the situation at Pine Ridge cries for congressional investigation. The bureau's activities on and around the reservation during the critical period bear all the characteristics of a Heldstyle COINTELPRO operation. And the FBI's handling of information related to the matter has consistently resembled that evidenced during the Chicago Panther murder investigation. What part did this discredited member of the FBI hierarchy play—and why?

In keeping with family tradition, Richard W. Held, the son, also functioned as an FBI COINTELPRO specialist, albeit at a much lower level. He was more of a street-oriented operative than

Richard W. Held, who had used disinformation, violent infiltrators, and false arrests in an FBI campaign against the Los Angeles Black Panthers, worked with his father on the FBI's Pine Ridge operations. He was later sent to San Juan to put down the Puerto Rican Independence Movement.

AIM medic Rocky Madrid recovers from wounds inflicted by a federal sniper at Wounded Knee. Although Madrid survived this wound, he later committed suicide in a matter which may be linked, à la the Jean Seberg case, to ongoing FBI harassment.



his administrator father.

The younger Held spent several years with the FBI's Los Angeles office, engaged in anti-Black Panther work there. As the local COINTELPRO coordinator, he directed activities which led to the exacerbation of tensions between the Black Panthers and Ron Karenga's United Slaves Organization (US). This heightened tension resulted in, among other things, the shooting deaths of Black Panther leaders Jon Huggins and Alprentice "Bunchy" Carter by US members in January 1969.

Richard W. Held appears to have been especially adept at the handling of infiltrators and *agents provocateurs*, such as Julio Butler, and the development of "evidence" leading to the trial or repeated arrest of Black Panther leaders. An example of this is the case of Elmer "Geronimo" Pratt, who is presently serving a life sentence in San Quentin after a trial fraught with government misconduct. In fact, the government's conduct prompted Amnesty International to view Pratt's case in the same category as the political incarceration of Peltier.

Predictably, the focused efforts of Richard W. Held and his colleagues who worked for the Los Angeles office of the FBI led to the decimation and subsequent collapse of that city's Black Panther Party. This success was coupled with the longer-term elimination of objectionable individuals in the Los Angeles area, such as actress Jean Seberg, whose primary offense seems to have been that she was a Black Panther supporter.

In a sworn deposition, former FBI agent Wesley Swearingen has stated that Richard W. Held personally constructed a letter which was leaked to the media, indicating that Seberg was pregnant by a Panther rather than by her husband. It was known at the time that Seberg was undergoing both psychiatric treatment and marriage difficulties. The result of this malicious disinformation was that Seberg miscarried her fetus, withdrew into a deep depression, and eventually committed suicide.

Two days after his father took over on-site command of the FBI's Pine Ridge operations, Richard W. Held arrived on the scene. According to an FBI memorandum dated July 26, 1975, he was immediately assigned to head up "three important phases" of the operation. These were "the coordination of bureau-wide informants," "the establishment of a confidential fund" (for an unstated purpose, but probably for the payment of informers, infiltrators, GOONs, and the like), and "the coordination of all intelligence information as it relates to the American Indian Movement."

The memo goes on to state, "Supervisor Held's presence was specifically necessary during the initial stages of this investigation and his background in the intelligence and informant fields proved most beneficial. He handled all his assignments in an outstanding manner."

Richard W. Held's "background" and the nature of the events that were actually occurring on and around Pine Ridge during his handling of "all his assignments in an outstanding manner" are generally evident. Given that background, those events, and the uncanny resemblance of the events at Pine Ridge to activities surrounding the FBI's operations regarding the Black Panther Party in Los Angeles, a thorough investigation of Held's role in the situation is imperative.

Such an investigation is all the more important because, unlike his father, Richard W. Held is still an active FBI employee. In fact, he was the special agent in charge of the FBI office in San Juan, Puerto Rico, in August 1985, when the FBI appears to have led a massive COINTELPRO-type operation against the Puerto Rican independence movement. He was recently re-assigned to San Francisco.

Conclusion—

"From 1973 to 1976, under both Nixon and Ford, the FBI and local police agencies in several states moved rapidly to prevent dissent by systematically dismembering AIM," writes Jack Forbes in his book, *Native Americans and Nixon*. "In conjunction with the actions of BIA police and GOONs, this program resulted in the deaths of several hundred native persons and the incarcerations of dozens more."

However you look at it, there was a systematic pattern of illegality and abuse of authority by the FBI against AIM during the mid-seventies. And in the case of Peltier, that abuse continues. Given the scope and magnitude of these offenses, it seems to us incumbent upon the Congress of the United States to convene or arrange a formal investigation of the entire matter to determine the precise depth and intent of the FBI's efforts.

As professor Roxanne Dunbar Ortiz has observed, "During the Nixon era and during its adjunct Ford administration, hundreds of black

organizers were murdered, destabilized, or imprisoned. Nearly every case is now traceable to government intelligence sources and outright assassinations and frame-ups. 'COINTELPRO-New Left,' the government program designed to destabilize and destroy the student movement, was established in 1968 and was used with vigor by the Nixon administration. The attack on Indian demonstrators and particularly on American Indian Movement activists was brutal and grisly, with a far greater ratio of deaths and imprisonments than any other movement."

In 1976, the Church committee condemned COINTELPRO as a "sophisticated, vigilante operation." Kelly, who was then FBI director, said he was "truly sorry" for such excesses. He told the nation that the bureau had ceased such activities, and he included the assurance that the FBI would never engage in such activities again.

However, Clarence Kelly had testified earlier before the Church committee on November 18, 1974, that the bureau felt that its COINTELPRO operation had "helped in bringing about a favorable change" in American society and is an integral part of the FBI's duty. As one former FBI agent put it, "COINTELPRO was never discontinued. They simply changed its name." Events occurring on and around Pine Ridge from 1972 through 1976 bear this out.

In the words of an official FBI paper entitled "Predication for Investigation of Members and Supporters of AIM," prepared and updated prior to June 1976, "Many Americans tend to overlook the fact that the United States has constitutionally guaranteed rights which are just as inviolate as those of the individual. To accept at face value an AIM argument that it is being set upon by the Central Intelligence Agency, FBI, and BIA as part of a government conspiracy to destroy the movement and, as a result, back off would result in the eventual abdication of this government's responsibility.

"The government's right to continue full investigation of AIM and certain affiliated organizations may create relevant danger to a few citizens' privacy and free expression, but this danger must be weighed against society's right to protect itself against current domestic threats."

No society which professes to be free, open, and committed to democratic ideals can afford to allow its police agencies and their designated agents anything approaching such a degree of unchallenged cynicism and duplicity as seems to have held sway in federal activities surrounding Pine Ridge and AIM. Nor can such a society allow its law-enforcement operatives such a range of latitude in operational discretion. This is all the more true in an era in which, once again, we hear the themes of *national security*, *internal security*, *counterterrorism*, and *domestic intelligence* infesting our national political discourse.



John Truddell was AIM's last national chairperson. His wife, three children, and mother-in-law were inexplicably burned to death in their sleep February 12, 1979, just a few hours after Truddell had given a vigorously anti-FBI speech.

A raft of recent legislation and court rulings have rendered agencies such as the FBI much less bound by conventional checks and balances than ever before. In such a context, the classic words of pastor Martin Niemoller ring with frightening urgency: "In Nazi Germany, . . . first they put the Communists and Jehovah's Witnesses in concentration camps, but I was not a Communist or Jehovah's Witness; so I did nothing. Then they came for the Social Democrats, but I was not a Social Democrat; so I did nothing. . . . Then they arrested the trade unionists, but I did nothing because I was not one. Then they arrested the Jews, and again I did nothing because I was not Jewish. Then they came for the Catholics, but I was not a Catholic; so I did nothing again. . . . At last they came and arrested me, but by then it was too late . . ."

It is only by turning our eyes to the truth and by exposing to the light that which has been done in darkness that we have any hope of preventing a contemporary revitalization of COINTELPRO tactics, with an accompanying further erosion of those always precarious rights and liberties on which the United States prides itself. It is not only in memory of those murdered and terrorized that we ask for a wide-ranging, no-holds-barred congressional investigation of the FBI's "secret" war on AIM's political principles. Nor is it only on behalf of those who remain falsely imprisoned. Rather, we ask for the light of truth on behalf of all those who have so far been spared the direct consequences of COINTELPRO actions, for it is only in understanding how and what happened on Pine Ridge that we can begin to apprehend the means to prevent it from happening again—to anyone.



On June 26, 1975, FBI special agents Jack R. Coler and Ronald A. Williams were killed during a shoot-out with members of the American Indian Movement (AIM) on South Dakota's Pine Ridge Indian Reservation. At the same time, Joseph Stuntz, a young American Indian, was also killed. Subsequently, the four oldest Indian males thought by the bureau to have been present at the scene—Robert E. Robideau, Darelle Dean Butler, James T. Eagle, and Leonard Peltier—were indicted jointly for the murders of the agents. No one was ever charged with Stuntz's death.

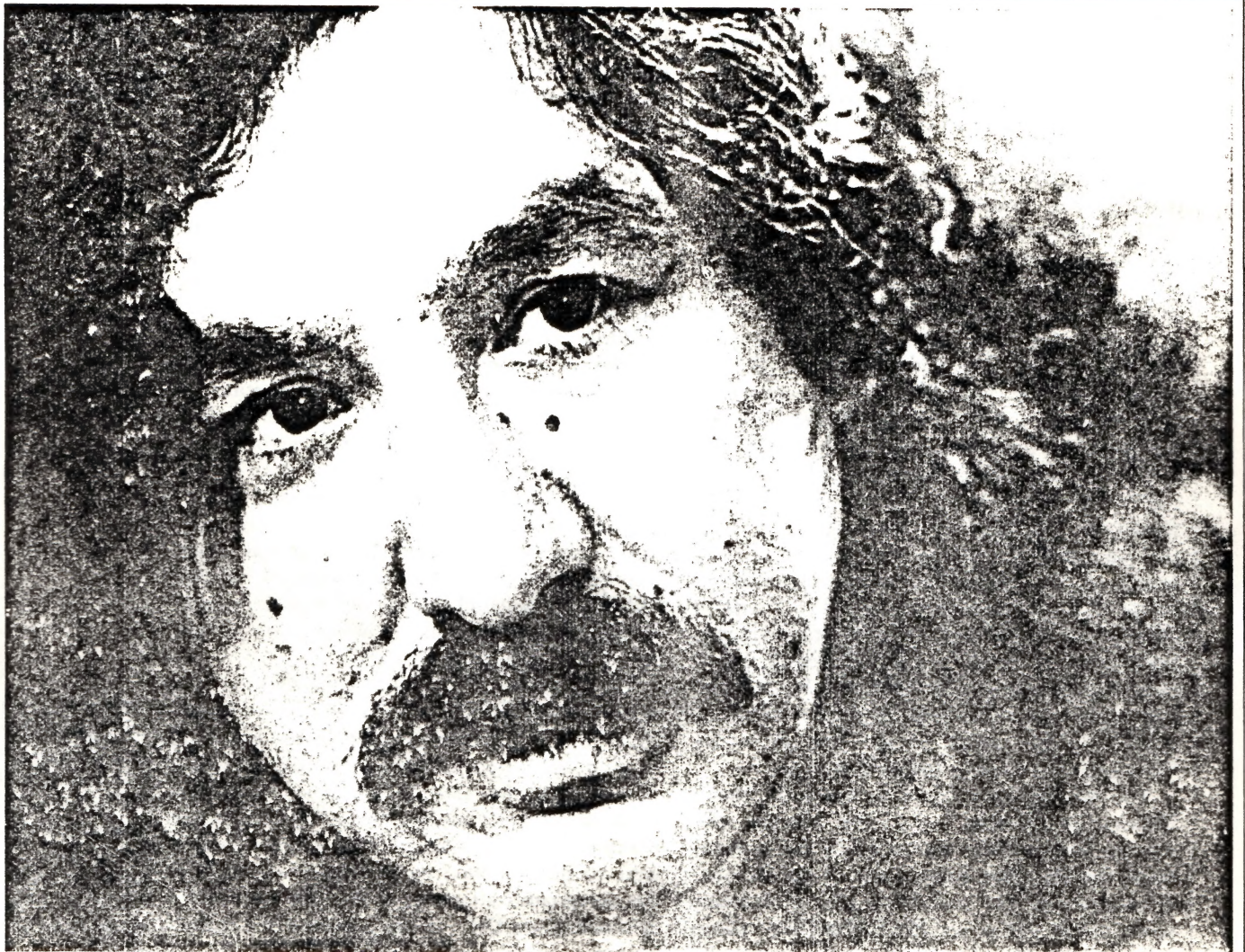
In July 1976, Robideau and Butler, pleading self-defense, were acquitted by a jury after a lengthy trial in Cedar Rapids, Iowa (where their case, as well as that of Peltier, had been transferred because of local anti-Indian prejudice in South Dakota). The Justice Department then decided to dismiss the charges against Eagle, the youngest of the four, conceding that he had not been present at the shoot-out. Their express motive was that now "the full prosecutive weight of the federal government could be directed

against Leonard Peltier."

Peltier had fled to Canada following his indictment. He was soon extradited, though, on the basis of three affidavits obtained by the FBI from one Myrtle Poor Bear, who swore to seeing him shoot the agents. The government later admitted publicly that all of these documents were false—a concession that led one federal appellate court to characterize their use as "a clear abuse of the investigative process by the FBI." (A bill was even introduced in the Canadian parliament to return Peltier to that country.)

On April 18, 1977, Peltier was convicted by a jury in Fargo, North Dakota, where his case had been mysteriously shifted—much to the surprise of the Cedar Rapids judge. Peltier was eventually sentenced to two consecutive terms of life imprisonment.

Upon appeal, Peltier's convictions were affirmed. The reviewing court admitted that "the evidence against [him] was primarily circumstantial." However, the "critical evidence" was the testimony of Evans Hodge, a Washington-based FBI firearms-identification specialist. Agent Hodge told the jury that a .223 caliber



The Ordeal of Leonard Peltier

A Summary of the Legal Background

shell casing found in the open trunk of Coler's car, just a few feet from his body, was extracted from an AR-15 rifle attributable to Peltier. He admitted, though, that he could reach no conclusion as to whether the gun had actually fired the bullet from that casing, because of damage to its firing pin and breech face surfaces. (The pathologists who had conducted the autopsies had said that the victims were killed by a high velocity, small-caliber weapon, such as an AR-15, fired at close and point-blank range.) Hodge's testimony, extremely damaging to Peltier, was characterized by the prosecutor as "the most important piece of evidence in this case."

Years after the trial, Peltier obtained, through the Freedom of Information Act (FOIA), several documents relating to the FBI's ballistics examination. One was an October 2, 1975, teletype from Hodge to the resident agent at Rapid City, South Dakota (the field office in charge of overall investigation). It reported that based on a comparison between all .223 casings found at the shoot-out scene (referred to in FBIese as RESMURS) and Peltier's AR-15, the weapon in question contained "a different firing pin than that in [the] rifle used at [the] RESMURS scene." On the strength of this report, an appellate court ordered Judge Paul Benson, who had presided at the Fargo trial, to conduct an appropriate evidentiary hearing as to "the meaning of the October 2, 1975, teletype and its relation to the ballistics evidence introduced at Peltier's trial." (Incidentally, in 1981, an appellate court held that Benson had improperly raised the stereotype of a "drunken Indian" in his charge to the jury in a case involving an American Indian defendant.)

The hearing took place in Bismark, North Dakota, on October 1-3, 1984. Hodge, who was the only witness produced by the government, testified that, by the time of the October 2 teletype, he had only been able to examine seven of the 136 or so .223 RESMURS casings submitted to him for comparison. In fact, he

hadn't gotten around to looking at the crucial casing, received by him on July 24, 1975, until late that December or early January of 1976—more than a half-year after the Pine Ridge confrontation and some three months following his receipt of the AR-15. However, he freely admitted that he was constantly being importuned by Rapid City to test every .223 casing forwarded to him against any AR-15 associated with the June 26 incident. Any such casings found near the bodies of the agents were to be examined on a priority basis, given the pathologists' opinion that Coler and Williams had been shot at close range. His failure to do so promptly, he explained, was due to a number of factors—the large volume of work associated with the RESMURS investigation, his necessary absences from Washington in connection with other FBI business, and the fact that only he and one assistant were available for firearms identification purposes.

While Hodge was on the stand, Peltier's attorneys were given an opportunity, for the first time, to look at the handwritten notes of his RESMURS work. They noticed that his key report—the one stating that the extractor marks on the key shell casing matched Peltier's AR-15—contained handwriting that seemed different from that of either Hodge or his assistant. Just before the hearing's end, Hodge was asked whether a third person had worked on the RESMURS ballistics. He replied that none had. He also contended that the handwriting on the report was indeed his assistant's.

The defense then asked Judge Benson for permission to have all of Hodge's notes examined by a handwriting expert. After listening to strenuous objections by government counsel, who claimed that this request was a complete waste of time and money, the court reluctantly granted Peltier's motion. The original notes were to be examined by an expert selected by the defendant's attorneys at the FBI laboratory in Washington, D.C., in the presence of a representative of the government. The results, if

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positive, would be made part of the hearing record.

An hour after the hearing was closed, all counsel were suddenly asked to return to the courtroom. The government, claiming it had "stubbed its toe," recalled Hodge. After leaving the stand, he said, he had shown the report in question to his assistant, who informed Hodge that the handwriting was not his. Hodge admitted not knowing the identity of the person who had written the document. It was later revealed that a laboratory trainee named William Albrecht had written the key report about the matching of the crucial .223 casing and the AR-15 attributed to Peltier, and that several other unidentified trainees had assisted Hodge.

From the moment Hodge testified, Peltier has strenuously contended that the ballistics

by the FBI in response to Peltier's FOIA suit, to know everything discussed or decided at these meetings. But one could reasonably guess as to some items on their agendas. For example, one reason advanced by Rapid City for the Butler-Robideau acquittals was the statement of the jury's foreperson, as reported in the *Cedar Rapids Gazette* the day following the verdicts, that "the government did not produce sufficient evidence of guilt." The bureau concluded that "the jury apparently wanted the government to show that Robideau and Butler actually pulled the trigger at close range."

What better way to supply the missing link in Peltier's case than to connect his weapon with a shell case presumably found near Coler's body, the bullet from which could have been responsible for his death? In this matter, a little fabrication could go a long way to obtain the conviction the FBI so desperately sought. An agency that had stooped to withholding and doctoring its files as well as subornation of perjury in the Means-Banks prosecution, and false affidavits in this one, was certainly not above suspicion in this respect. In fact, in ordering the Bismarck hearing, the appellate court had emphasized that the "discrepancy" in the October 2 teletype, particularly as it related to "a different firing pin," raised serious questions about "the truth and accuracy of Hodge's testimony regarding his inability to reach a 'conclusion' on the firing pin analysis and his positive conclusion regarding the extractor markings."

Judge Benson's rulings were poles apart from those made by the Robideau-Butler judge. He had, for example, permitted the prosecution to introduce gruesome post-mortem photographs of the dead agents—exhibits which had been excluded as overly prejudicial to the defendants during the Iowa case. Predictably, then, he denied Peltier a new trial. On October 15, 1985, the appeal from this decision was argued before a three-member panel of the United States Court of Appeals for the Eighth Circuit in a St. Louis courthouse, just a few blocks away from where the Dred Scott case had been tried. Almost a year later, the tribunal unanimously affirmed Benson's denial.

The court's opinion, which had been released to the press a week before it was received by Peltier's counsel, is a masterpiece of outrageous sophistry and intellectual dishonesty. The panel found that "the prosecution withheld evidence from the defense favorable to Peltier, and that, had this evidence been available to the defendant, it would have allowed him to cross-examine government witnesses more effectively." In addition, it stressed that the newly-discovered evidence indicated "Hodge may not have been telling the truth" in his hearing and trial testimony. Moreover, it pointed out, if the prosecution had not withheld

"The government apparently intends to keep Peltier in prison until he can be quietly hauled to his grave."

evidence against him was fabricated to insure a conviction. He had reason to be suspicious of Hodge's damning testimony: Myrtle Poor Bear's extradition affidavits had been falsified. The nine-month federal prosecution in 1974 of Dennis Banks and Russell Means, coleaders of the AIM occupation of Wounded Knee, had been dismissed because of massive FBI misconduct. Now, Hodge's laboratory report of October 31, 1975, stated that "none of the ammo components at RESMURS" could be associated with Peltier's weapon.

The intensity of the FBI's determination to hold someone accountable for the loss of its two agents was evident in the agency's agonized frustration after the acquittals of Butler and Robideau. On July 19, 1976, three days after the end of their trial, then-director Clarence M. Kelley called Rapid City and requested the field officer's analysis "as to possible reasons why the jury found defendants not guilty." The reply broadly hinted that the Iowa trial judge had, in a number of his significant rulings, been overly partial to the defense.

Three weeks later, the first of a spate of top-and middle-level conferences took place at bureau headquarters. The purpose of this and future meetings was to "discuss what can be done by the FBI to assist the government in [the] presentation of [Peltier's] case at trial." Between August 6, 1976, and the beginning of the defendant's trial in Fargo in March, 1977, at least six similar conferences were held.

It is impossible, given the small percentage of existent documentation reluctantly released

the suppressed reports, key evidentiary rulings by Benson might well have been different. "In any event," the panel concluded, "the defense would have had substantial additional documentary evidence upon which to cross-examine Hodge and would have had greater reason to pursue the inconsistencies more vigorously than it did."

Incredibly, however, although it expressed "discomfort with our decision," the appeals panel refused to grant Peltier a new trial—despite the fact that fifty members of Congress and many religious leaders implored it to do so. "There is a *possibility*," it held, "that the jury would have acquitted Leonard Peltier had the records and data improperly withheld from the defense been available to him in order to better exploit and reinforce the inconsistencies casting strong doubts upon the government's case." Nonetheless, panel members concluded, they were not convinced that "the jury *probably* would have reached a different result."

On June 25, 1984, three months before the Bismarck hearing, four Soviet Nobel Prize winners—physicists Pavel A. Cherenkov, Nikolai G. Basov, and Aleksandr M. Prokhorov, and mathematical economist Leonid V. Katnoro-vich—signed an appeal to President Reagan on Peltier's behalf. They cited his case as "a typical example of politically motivated persecution of Americans who are fighting for human rights." The appellate court has now added even more substance to their rhetoric.

Shortly after the unfavorable decision on Peltier's appeal, a petition for a rehearing was brought before the appeals court. While the court recently denied that petition, one of the judges dissented, saying he would have granted a new hearing. This was the first dissent in the case—and the first encouraging sign of an awareness of justice for Peltier.

Peltier's defense committee is currently preparing to petition for a hearing in the Supreme Court. This petition will contain statements from over sixty members of the U.S. House of Representatives and from church leaders all over the world—including Desmond Tutu, the archbishop of Canterbury, Jesse Jackson, Rabbi Balfour of Brickner, and over seventy others.

For now, though, Peltier remains in prison—and the federal government apparently intends to keep him there until he can be quietly hauled to his grave. Efforts continue—unsuccessfully at this point—to obtain more information from the FBI's heavily classified files. Apart from political pressure, including pressure from the religious community, prospects for Peltier's release appear bleak.

